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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/819,712	Applicant(s) SHINZAKI, TAKASHI	
	Examiner MARISSA THEIN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 65-67 is/are pending in the application.
- 4a) Of the above claim(s) 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 65 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's "Amendment" filed on September 29, 2008 has been considered.

Applicant's response pertaining to Election/Restriction will not be withdrawn. The submitted claim 67 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the claim has separate utility such as notifying the customer that the customer did not pick up the good on a day of pick up when the seller does not receive a transfer-completion notification from the delivery destination during a pick-up time window.

Claim 67 is distinct and independent of claim 1. Claim 67 is a specific notification for the customer not picking up the good on a day of pick up, wherein this step has to be done after the warning step of claim 1 or the step does not have to be done.

Applicant's remark and amendment to claims 1, 65 and 66 has overcome the Examiner' rejection under 24 USC 112, first paragraph pertaining to recitation of "when the receiver certifying information is identical to reference receiver certifying information, by using said transaction ID information and the receiver certifying information or the reference receiver certifying information which is void of personal identification information"; and "transferring the commodity to a receiver for the commodity when the first piece of receiver certifying information corresponds to the second piece of receiver certifying information, by using transaction ID information and the first piece or second piece of receiver certifying information, which is void of personal identification information". However, the remark to claims 1 and 66 has not overcome the Examiner'

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rejection under 24 USC 112, first paragraph pertaining to the recitation “warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term; and “warning the customer, at the seller’s terminal, that the customer does not receive the commodity when the sellers terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term”. The specific finding the Applicant has pointed out in the specification does not alleged to be the “warning” step. Examiner is interpreting the finding in the specification as not forget to acquire the commodity from the shop, in order to prevent the commodity form being left at shop for a long time caused by the customer’s forgetting to receive the commodity. A message is sent to the customer as reminder to not forget to acquire or obtain from the shop the commodity. The interpretation is different from the “warning..” step. The Examiner is interpreting the “warning...” step as a warning to the customer that the customer can not receive the commodity unless a transfer completion notification is not received by the seller’s terminal in a specific time.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 65 and 66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 66 recite “warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term; and “warning the customer, at the seller’s terminal, that the customer does not receive the commodity when the sellers terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term” which are not disclosed in the specification. If Applicant deems the recitation is in the specification, Examiner suggests pointing the recitation out in the specification by page number and line number. See discussion above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-13, 15, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. in view of U.S. Patent No. 7,069,249 to Stolfo et al. and in further view of U.S. Patent No. 6,076,078 to Camp et al.

Regarding claims 1, Shub disclose an e-commerce method for an e-commerce system, which includes a seller’s terminal (merchant, col. 1, lines 55-57; col. 2, lines 3-3; Figure 1; col. 3, lines 43-44), a customer’s terminal (customer, col. 1, lines 55-57; col.

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2, lines 3-5; Figure 1; col. 3, lines 40-44), a payment agent's terminal (payment agency; Figure 1; col. 2, lines 3-5); and commodity delivery means (delivery companies; col. 2, lines 3-5), the method comprising: at the customer's terminal sending an anonymous order (anonymous buy) to the seller's terminal for a commodity via the information communication network and designating a non-residential place other than a residential place (alternate address, col. 6, lines 54-56; col. 2, lines 53-57) of the customer as the delivery destination via the communication network (col. 3, lines 9-12; col. 6, lines 43-61), said anonymous order being void of personal identification information (col. 1, lines 60-64; col. 4, lines 25-27); at the seller's terminal assigning transaction identification (ID) information (order number) peculiar to said anonymous order and notifying the customer's terminal of said transaction ID information (col. 6, lines 54-56; col. 2, lines 47-53), requesting the payment agent's terminal for payment for the commodity for which the customer's terminal made the anonymous order (col. 2, lines 49-53; col. 4, lines 40-43; col. 6, lines 50-53), making arrangements to deliver the commodity to the non-residential place using the commodity delivery means (col. 2, lines 53-col. 3, line 3; col. 6, lines 53-61; col. 7, lines 6-9); and transferring the commodity to a receiver for the commodity at the non-residential place by using information which is void of personal identification information (col. 3, lines 8-12; col. 5, lines 60-64; col. 6, lines 62-col. 7, line 1).

However, Shub does not explicitly disclose at the receiver certifying: comparing receiver certifying information (unique session number) received from the customer's terminal to reference receiver certifying information received from the seller's terminal;

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and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information; and warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). The customer identification information need not be disclosed to the merchant or to anyone other than the customer (col. 1, lines 62-64). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). The public key is used to verify that the label corresponds to the order, the identify and address of the customer are not readable by being blinded or encoded (col. 6, line 62-col. 7, line 1). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines 53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x_2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches an online shopping system, which a customer can designate, addresses or places where he or she wants to have goods delivered (col. 8, lines 3-8). Stolfo further teaches comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is

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identical to the reference receiver certifying information (col. 13, lines 52-56; col. 14, lines 2-5; col. 19, lines 57-62; col. 23, line 61-col. 24, line 15; col. 25, lines 12-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, to include comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, as taught by Stolfo, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

The combination of Shub and Stolfo does not teach warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. The combination does teach messages within its Webpage to remind and direct the user to take certain actions from the second party vendor and may provide a final message asking whether all information on the screen is correct (Stolfo, col. 22, lines 33-38).

Camp, on the other hand, teaches warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-

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completion notification from the receiver certifying terminal in a predetermined term (col. 13, lines 53-59; col. 16, lines 7-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term, as taught by Camp, in order to provide anonymity and reliability in transactions in all current electronic commerce systems (Camp, col. 1, lines 17-18).

Regarding claims 2-6 and 10, Shub substantially discloses the claimed invention, however, it does not explicitly discloses certification; the receiver certifying information which is created at the sellers' terminal and price information of the transaction, together with the transaction ID information are notified to the customer's terminal; the customer's terminal notifies the payment's agent terminal of the transaction ID information and the price information, which have been notified by the seller's terminal; customer's terminal notifies the seller's terminal of receiver certifying information; a sales slip medium containing said transaction ID information in form of a read-out code; and the receiver for the commodity is certified as the authorized receiver, by reading out the transaction ID information of the sales slip medium; the transaction ID information is ciphered with the read-out code as a code key; and the ciphered transaction ID information of the sales slip medium is deciphered using the code key; and biometrics.

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Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines 53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches an online shopping system, which a customer can designate, addresses or places where he or she wants to have goods delivered (col. 8, lines 3-8). Stolfo further teaches the certification (col. 19, lines 57-65); the receiver certifying information which his created at the sellers' terminal and price information of the transaction, together with the transaction ID information are notified to the customer's terminal (col. 23, line 61-col. 24, line 15); the customer's terminal notifies the payment's agent terminal of the transaction ID information and the price information, which have been notified by the seller's terminal (col. 17, lines 35-67); customer's terminal notifies the seller's terminal of receiver certifying information (col. 23, line 61-col. 24, line 15); a sales slip medium containing said transaction ID information in form of a read-out code (col. 19, lines 10-16); and the receiver for the commodity is certified as the authorized receiver, by reading out the transaction ID information of the sales slip medium (col. 19, lines 57-65); the transaction ID information is ciphered with the read-out code as a code key (col. 19, lines 24-39); and the ciphered transaction ID

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information of the sales slip medium is deciphered using the code key (col. 19, lines 24-39); and biometrics data (col. 19, line 64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, to include the certification, as taught by Stolfo, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

Regarding claims 11-13 and 15, Shub substantially disclose the claimed invention, however, it does not disclose upon completion of delivery of the commodity of the non-residential place, the seller's terminal notifies the customer's terminal of the completion of the delivery; certification is made as to whether the receiver for the commodity is an authorized receiver, using receiver certification information; notifying the customer's terminal of a status of delivery of the commodity; and notification to the seller's terminal via communication network that the transferring of the commodity has been carried out in the commodity transferring step.

Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). Furthermore, Shub discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines

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53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches upon completion of delivery of the commodity of the non-residential place, the seller's terminal notifies the customer's terminal of the completion of the delivery (col. 25, lines 36-41); certification is made as to whether the receiver for the commodity is an authorized receiver, using receiver certification information (col. 19, lines 57-62); notifying the customer's terminal of a status of delivery of the commodity (col. 23, line 61- col. 24, line 15; col. 25, lines 29-41); and notification to the seller's terminal via communication network that the transferring of the commodity has been carried out in the commodity transferring step (col. 23, line 61- col. 24, line 15; col. 25, lines 29-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

Regarding claims 65 and 66, Shub discloses a method for conducting electronic commerce, comprising: receiving an anonymous purchaser order, said anonymous purchaser order being void of personal identification information (col. 4, lines 25-27); and assigning transaction identification information to the anonymous purchase order (abstract; col. 6, lines 44-61); and transferring an item purchased by said purchaser order using information void of personal identification information (col. 3, lines 8-12; col.

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5, lines 60-64; col. 6, lines 62-col. 7, line 1); making arrangements to deliver the commodity to the non-residential place using the commodity delivery means (col. 2, lines 53-col. 3, line 3; col. 6, lines 53-61; col. 7, lines 6-9); and transferring the commodity to a receiver for the commodity at the non-residential place by using information which is void of personal identification information (col. 3, lines 8-12; col. 5, lines 60-64; col. 6, lines 62-col. 7, line 1). Furthermore, Shub discloses sending an anonymous order (col. 3, lines 40-47; col. 4, lines 25-27).

However, Shub does not explicitly disclose at the receiver certifying: comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information; and warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. Shub discloses a method of enabling a customer to remotely order goods from a merchant and receive the goods without revealing the customer's identity or address to the merchant (col. 1, lines 9-12). The customer identification information need not be disclosed to the merchant or to anyone other than the customer (col. 1, lines 62-64). Shub further teaches a private key/public key pair and a secret encoding key (col. 2, lines 26-28). The public key is used to verify that the label corresponds to the order, the identify and address of the customer are not readable by being blinded or encoded (col. 6, line 62-col. 7, line 1). Furthermore, Shub

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discloses the customer has the option to request the order to be delivered to an alternate address (col. 2, lines 53-55). The goods is delivered to the customer's alternate address and gets the goods using the second bank order number x2 and the number pair (c, t) (col. 5, lines 60-63).

Stolfo, on the other hand, teaches an online shopping system, which a customer can designate, addresses or places where he or she wants to have goods delivered (col. 8, lines 3-8). Stolfo further teaches comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information (col. 13, lines 52-56; col. 14, lines 2-5; col. 19, lines 57-62; col. 23, line 61-col. 24, line 15; col. 25, lines 12-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Shub, to include comparing receiver certifying information received from the customer's terminal to reference receiver certifying information received from the seller's terminal; and transferring the commodity to the customer for the commodity at said non-residential place, when the receiver certifying information is identical to the reference receiver certifying information, as taught by Stolfo, in order to ship a good ordered electronically over a communications network to the party that ordered the good while securing private and personal information of the party that ordered the good with respect to unauthorized parties (Stolfo, col. 6, lines 15-19).

The combination of Shub and Stolfo does not teach warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term. The combination does teach messages within its Webpage to remind and direct the user to take certain actions from the second party vendor and may provide a final message asking whether all information on the screen is correct (Stolfo, col. 22, lines 33-38).

Camp, on the other hand, teaches warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term (col. 13, lines 53-59; col. 16, lines 7-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer-completion notification from the receiver certifying terminal in a predetermined term, as taught by Camp, in order to provide anonymity and reliability in transactions in all current electronic commerce systems (Camp, col. 1, lines 17-18).

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6,236,972 to Shkedy. Shub and Stolfo substantially

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disclose the claimed invention, however, the combination does not disclose digital signature. The combination identifying data which may be secret information such as a confidential code to the recipient and the OVM agent (Stolfo, col. 19, lines 62-65). Shkedy, on the other hand, teaches digital signatures (col. 5, lines 3-7).

Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Shub and Stolfo, to include digital signatures and biometrics, as taught by Shkedy, so as to authenticate the customer identification (Shkedy, col. 5, lines 3-4).

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6,085,170 to Tsukuda.

Regarding claim 9, Shub and Stolfo substantially disclose the claimed invention, however, the combination does not disclose a commodity cabinet. The combination discloses a physical address of a physical facility designated by the first party (customer) which may be depot for pick up (col. 8, lines 3-8). Tsukuda, on the other hand, teaches the commodity cabinet (col. 9, lines 38-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Shub and Stolfo, to include the commodity cabinet, as taught by Tsukuda, in order to store the goods inside the cabinet so that the customer can receive the goods at anytime (Tsukuda, col. 11, lines 19-24).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6, 609,113 to O'Leary et al. Shub and Stolfo substantially discloses the claimed invention, however, the combination does not disclose the arrangement to pay a predetermined amount of money periodically to a customer's account established for the payment agent to make payment in behalf of the customer and the payment agent makes a direct debit of a price regarding the purchasing of the commodity in the customer's account. The combination disclose a payment agency which establishes protocols for the exchange of information (Shub col. 6, lines 17-19). The payment agency is the bank and/or credit card company of the customer and can also be a specialized agency where the customer pays cash in exchange for a receipt (col. 4, lines 13-17). O'Leary, on the other hand, teaches the arrangement as recited above (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the payment arrangement, as taught by O'Leary, in order to pay the seller.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,807,530 to Shub et al. and U.S. Patent No. 7,069,249 to Stolfo et al. and U.S. Patent No. 6,076,078 to Camp et al. as applied to claim 1 above, and further view of U.S. Patent No. 6,748,365 to Quinlan et al. Shub and Stolfo substantially discloses the claimed invention, however, the combination does not

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disclose the marketing information, discounts and age/sex information. Quinlan, on the other hand, teaches the marketing information, as recited above (col. 3, lines 26-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the marketing information, as taught by Quinlan, in order to redeem product rebates (Quinlan col. 1, lines 12-13).

Response to Arguments

Applicant's arguments filed September 29, 2008 have been fully considered but they are not persuasive.

Applicant remarks that "Shub, Stolfo and Camp either alone or in combination fails to teach or suggest warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer- completion notification from the receiver certifying terminal in a predetermined term".

The Examiner does not agree. The combination of Shub, Stolfo, and Camp teaches or suggest the recitation above. Stolfo does teach the messaging within its webpage to remind and direct the user to take actions from the party vendor (col. 22, lines 33-38). However, the Examiner turns to Camp to teach the "warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer- completion notification from the receiver certifying terminal in a predetermined term". Camp teaches a two-sided certified delivery which requires the merchant to store certain messages. The stored messages include signature verification and to prove the contents of the delivery in the absence of customer

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cooperation (co. 13, lines 53-57). Camp further teaches if the customer fails to produce an E4 (acknowledgement message) sufficiently fast, the merchant may force the transaction to commit by sending E4 and E6 messages (merchandising and authorization message).

Such two-sided certified delivery which requires the merchant to store certain messages; and if the customer fails to produce an E4 (acknowledgement message) sufficiently fast, the merchant may force the transaction to commit by sending E4 and E6 messages (merchandising and authorization message) are considered the “warning the customer that the customer does not receive the commodity when the seller's terminal does not receive a transfer- completion notification from the receiver certifying terminal in a predetermined term”.

Applicant remarks that “none of the references discloses sending an anonymous order to the seller's terminal for a commodity via the information communication network and designating a non-residential place other than a residential place of the customer as the delivery destination via the information communication network, said anonymous order being void of personal identification information”.

The Examiner does not agree. Shub discloses a method and apparatus which enables customers to remotely order goods from a merchant and receive the goods without revealing customer identity or address to the merchant nor revealing what is bought to the bank or payment agency (abstract). Shub further teaches shipping to an alternate address by the customer (col. 6, lines 53-56). Stolfo teaches customer

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identification information need not be disclosed to the merchant nor to anyone (col. 1, lines 60-64).

Such method and apparatus which enables customers to remotely order goods from a merchant and receive the goods without revealing customer identity or address to the merchant nor revealing what is bought to the bank or payment agency; shipping to an alternate address by the customer; and customer identification information need not be disclosed to the merchant nor to anyone are considered "sending an anonymous order to the seller's terminal for a commodity via the information communication network and designating a non-residential place other than a residential place of the customer as the delivery destination via the information communication network, said anonymous order being void of personal identification information".

Applicant remarks that none of the cited references teach or suggest "upon completion of delivery of the commodity to said nonresidential place by said commodity delivering, the seller's terminal notifies the customer's terminal of the completion of delivery of the commodity via the information communication network."

The Examiner does not agree. The combination of Shub and Stolfo discloses the recitation above, specifically, Stolfo discloses "upon completion of delivery of the commodity to said nonresidential place by said commodity delivering, the seller's terminal notifies the customer's terminal of the completion of delivery of the commodity via the information communication network." Stolfo discloses the proxy system notifies the user of shipment by the second party vendor, receipt at the depot or both.

Such proxy system notification to the user of shipment by the second party vendor, receipt at the depot or both is considered "upon completion of delivery of the commodity to said nonresidential place by said commodity delivering, the seller's terminal notifies the customer's terminal of the completion of delivery of the commodity via the information communication network."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3627
January 5, 2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627